Previous references.

Cs 156 of 08 & 142 of Jany 05

1908.

(Courts)

File No. 250-07

Serial Nos. 1–4

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–4

Part B. for July '08

SUBJECT.

Addendum & Corrigendum to the Process Rules issued with the notification of 25-1-08.

Table of Contents.

1. From The Registrar, Chief Court No 6089/324 D/ 9.3.08.
   forwards for sanction the opinion of the Chief Court that the fee of Rs 1-8-0 now charged for a warrant of sale of immovable property exceeding Rs 50 in value may be reduced to Re 1 and also that the amount levied for the issue of notices to more than one person living in the same neighbourhood may be reduced to annas 4.
2. To the Registrar, Chief Court No J 3196 D/ 21.4.08.
   States that in connection with a similar reference in the R. A. Proceedings of 1906, the Chief Court considered it unnecessary to introduce any change and enquires why there has been a change of opinion now.

3. From the same officer No 735 of 392 dt. 4.5.08
Explains the circumstances ~~with~~ in which the present proposal is made

4. To the Registrar, Chief Court No J 140 dt 13 j 08
Approves of the proposal of the Chief Court

G.R.S. 11] 1907-8

GENERAL AND REVENUE SECRETARIAT

(Courts)

NOTES.

CA File. No. 250-07

FILE HEADING.

Addendum & Corrigendum to the Process Rules issued with the notification of 25-1-05

From

The Registrar Chief Court.

No. 6089/324 Dated 9.3.08 Received 10.3.08

Diary No. J1335	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards for sanction the unanimous opinion of the Chief Court Judges that the fee of Rs 1-8-0 now charged for a warrant of sale of immoveable property exceeding Rs 50 in value, must be reduced to Re 1. and also that the annas 8 levied for the issue of notices to more than one in the same neighbourhood must be reduced to annas four.

NOTES AND ORDERS.

The Process Rules are published in the Civil Digest for Rule XXV please see page 102 of the Digest. Draft Subt approving the proposed addendum &

DR 12.3.08 SW 17/3/08

Re R.A. Subject re 45 of 06, a representation for the reduction of process fees was made & the reply of Govt was "no change necessary".

NOTES -First sheet.

GPE—30,000—20-3-06.

Serial No.

2 There seems to be no reason why the rule regarding notices should be different from the rule regarding summonses and also why a higher fee should be paid for a warrant of sale ~~of~~ of immoveable property exceeding Rs 50 in value - draft approving submitted by Sec'y 12.3.08 JWW 20/3

617 C 20-3-08 JWW 20.3.

3 Please put up a copy of the Process Rules proposed to be amended -

4 It appears from the D&A Proceedings that these changes were not suggested when they were proposed by D&A members Why? Noted 12/3/08

JWW 18.4.

5 The Process Rules are printed at pages 94-114 of the Civil Digest herewith put up. Rule XXV to be amended, will be found on page 102 of the same. (or vide Gov. N° 2038-C 156-12 & 25-1-08 herewith put up.)

6 With regard to the representation of the members on the subject in 1906, the Chief Court was of opinion that "no change is necessary" It is not known why there has been a change in favour of the representation now.

NOTE—Contn sheet.

GPB—50 000—17-3-07

Serial No.

8 If approved, the Chief Court will be addressed in the matter.

Hcs SN 14/4/08 15/4/08 9 Submitted for orders.

10 Please put up a draft to the Registrar.

15.4.08 DWW

11 Draft submitted

Hcs 16/4/08 SN 16/4/08

12 Issued

16.4.08 DWW

17/4

2 To the Registrar, Chief Court of Mysore.

States that in connection with a similar representation of the R.A. members in 1906 (Subject No 4506), the Chief Court considered it unnecessary to introduce any change and enquires why there has been now a change in favour of the same.

3 From the same officer No 7550/392 dt 4.5.08.

Explains the circumstances in regard to which the present proposal is made.

13 (1) Fee chargeable for service of a warrant of sale of moveable or immoveable property .... Rs 1-8-0.

It is explained in this Connection

NOTE—Contn sheet.

GPB—50 000—17-3-07

Serial No.

that since the Communication of the then Chief Judge's opinion in regard to R.A. Subject No 45 of 1906, the question has been reconsidered by Mr Justice K.V. Narjundayya, off'g chief judge and his colleques, who have come to the conclusion that the figure "Rs 1-8-0" under this head is a misprint for Re 1-0-0, the latter of which amounts was originally recommended by the Chief Court. That it is a misprint is apparent from the fact that the cipher under the head annas, with the arrow mark just above it and touching it, written in red ink on page 4 of the printed proof in the original collection herewith put up, looks like 8. This error is sought to be rectified now.

14(2) As regards the proposed reduction of fee for issuing additional notices, it is stated that as in British India no distinction should be made between summonses and notices issued in the Mysore State.

15 This information was called for

GPB-50,00017—3-07

5

G. R. S. 12]
General and Revenue Secretariat.

(C) File No. 280 of 1907-08

Serial No.	
	at the instance of the First Councillor
	Submitted for orders. 6/5/08
	Submitted 6.5.08 (81 Cr) 6.5.08
67-51 7-5-1908	17 The Chief Cont's proposal may be approved. 15 Nov To the Dewan
	18 I agree 9/07 20-5-08
	19 The draft order may now be issued (Under Secy)
	20 Issue 10/7/08
4	To the Registrar of the Chief Court of Mysore Lr No 1408 13-7-08. Approves of the proposed draft addendum et Corrigendum to the process rules regarding the reduction of fees leviable on certain processes.

Secy
15 Nov

NOTE.—Contn sheet.

GPB—50,00017—3-07

No. 6089 Genl
324 of 1907

J2335

1

Bangalore dated, 7th March 1908.

From,

The Registrar,

Chief Court of Mysore.

To,

The Offg: Secretary to Government,

General and Revenue Departments.

Sir,

I am directed to forward for the sanction of Government the accompanying addendum et corrigendum to the Process Rules issued with Notification dated 25th January 1905.

The fee of Rs.1-8-0 now charged for a warrant of sale of immoveable property in cases exceeding Rs.50/- in value is considered to be excessive and a representation has been made that it should be reduced to Rs.1/- as in the old rules of 1898.

Further when notices are asked to be issued to more than one person in the same neighbourhood, a fee of eight annas is under the existing rules levied for the issue of the first notice and a like sum for the issue of other notices. This, it has been represented operates severely on suitors and it is suggested that the fee should be reduced to 4 annas as in the case of summonses.

The Judges of the Chief Court are unanimously of opinion that the reduction asked for may be made.

I have the honour to be,

Sir,

Your most obedient servant;

For REGISTRAR.

B.V.

In the Chief Court of Mysore.

Civil Side.
--:0:--

Addendum et Corrigendum dated 7th March 1908 to the Process Rules issued with Notification dated 25th January 1905.

The Chief Court directs that in item 6 of Rule XXV '₹.1-0-0' be substituted for '₹.1-8-0' and that the following be inserted under item 10.

And for every additional process of the same nature, if applied for at the same time and if the person to be served resides in the same neighbourhood..... ₹.0-4-0.

For REGISTRAR.

B.V.

3

G.R.S. 26]

2335

C/o File No. 250/07

Serial No. 2

Diary No. of letter replied to _____

No. J 3194

General and Revenue Secretariat

( )

, *the* 190 .

To The Registrar of the Chief Court of Mysore.

Sir,

Adverting to your letter N 6089/324 dated the 9th march 1908 proposing a reduction in the fees chargeable for the ~~execution~~ of a warrant of sale of immoveable property in cases exceeding Rs 50 in value and for the ~~issue of~~ additional notices to more than one person in the same neighbourhood, I am directed to ~~state~~ that in connection with

over.

Date of issue 21-4-08

Signed by Mr K Douglas Rao

SUBJECT.

a similar representation of the R-A. members in 1906 (Subject N° 45 of 06), the Chief Court considered it unnecessary to introduce any change and ~~thereafter~~ the repg of Govt was given accordingly. I am to request you to be so good as to inform Govt if the case presents any special features which were not in existence then, in order to take a favourable view of the same now.

Yours &c.

JWW

For Secretary

List of enclosures

Dft: HC3 16/4/06

Copied by [illegible]

Examined by SW 20/4 20/4

MGCPB—30,000—16-2-05

No: 2580 III/97-98.
342.

Bangalore, 4th May 1908. 5

4

J2807

From

V. A. Rajaratna Mudaliar Esquire,
Registrar, Chief court of Mysore.

To

C. S. Balasundaram Iyer Esquire,
Offg: Secretary to the Government of
Mysore, Genl: and Revenue Depts.

Sir,

In reply to your letter No. J-3194 cts: 250-07-2, dated the 21st Ultimo, regarding the proposed reduction of the fees chargeable for sale warrants and for additional notices which are to be issued to more than one person in the same neighbourhood, I am directed to state that, since the communication to Government of the then Chief Judge's opinion in regard to Dasara Subject No. 45 of 1906; the question was reconsidered by Messrs. Justices H. V. Nanjundayya, P. S. Krishna Rao and K. S. Chandrasekhara Aiyar who after examining

the previous correspondence arrived at the conclusion that the figure "~~Rs~~. 1-8-0" in rule ~~XXV~~ of the rules published with Government Proceedings No. 2038-C.156-2 / 1904-'05., dated 25th January 1905, was a misprint for "~~Rs~~. 1-0-0". This conclusion was based on two circumstances, viz; (1) that in the letter issued by this court, No. 3147-191, dated the 26th November 1904, a fee of one Rupee only had been recommended to be levied on sale warrants, and that in the said proceedings of Government sent in reply thereto, no mention is made of the fact of the Government having raised the fee by 8 annas. If this view is correct, it follows that the error should now be rectified.

Regarding the fees for notices, I am to state that no distinction is made between summonses and notices in British India, and that it would be desirable to make the practice in our courts

conform

conform as much as possible to that in force in the courts there.

I have the honor to be,
Sir,
Your most obedient Servant,
By Authority
Registrar.

8

G.R.S. 28]

File No. 250-,
Serial No. 4

Diary No. of letter replied to 2807

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

, *the* 190

Date of issue 13-7-08

Signed by Mr S.P. Rajagopalachar

READ.—

Letter No. 6089 dt. 3.7.08 from the Registrar 324 of the Chief Court of Mysore forwarding for sanction certain Addendum & Corrigendum to the Process Rules issued with Notification

ORDER THEREON.—No.

dated 25th January 1905.

Order thereon No. 140 Cls. 250-07-08 dt 13/7/08

Approved. The draft addendum & corrigendum to the Process Rules proposed to be issued is approved.

over

SUBJECT

MGCPB—20,000—24-2-05

9

It is hoped that the same will be published in the Gazette for general information

CB 20/3
WWW secretary.

2. The Registrar of the chief Court -

SW 12/3/08